

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**BENJAMIN PITTS  
ADC #148011**

**PLAINTIFF**

**v.**

**Case No. 4:20-cv-00849-KGB-ERE**

**DEXTER PAYNE, Director  
Arkansas Department of Correction, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court are the Recommended Disposition (“Recommendation”) submitted by United States Magistrate Judge Edie R. Ervin (Dkt. No. 58) and plaintiff Benjamin Pitts’s *pro se* motion to compel (Dkt. No. 60).

**I. Recommendation**

On November 16, 2022, the parties filed a joint motion to dismiss, representing that they had reached a joint settlement of their claims and requesting that the Court dismiss with prejudice this case (Dkt. No. 57). Judge Ervin recommends that this Court grant the parties’ joint motion to dismiss (Dkt. No. 57), dismiss Mr. Pitts’s complaint with prejudice (Dkt. No. 2), and instruct the Clerk of Court to close this case (Dkt. No. 58, at 2). Mr. Pitts made no objection to the Recommendation, and the time for doing so has passed. Furthermore, the release agreement attached to the joint motion to dismiss accords with Federal Rule of Civil Procedure 41 (*See* Dkt. No. 57-1, at 5).

After careful consideration of the Recommendation and the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted in its entirety as this Court’s findings in all respects (Dkt. No. 58). The Court grants the parties’ joint motion to dismiss,

dismisses with prejudice this action, and retains jurisdiction to enforce the terms of the parties' settlement agreement (Dkt. No. 57).

## **II. Mr. Pitts's Motion To Compel**

Mr. Pitts filed a *pro se* motion to compel on December 20, 2022, asking the Court to compel defendants to grant him the agreed upon religious accommodations and provide him with the agreed upon legal fees (Dkt. No. 60). The Court reminds Mr. Pitts that, on February 28, 2022, Judge Ervin appointed John C. Bartelt as Mr. Pitts's counsel in this case (Dkt. No. 50). As Mr. Pitts is represented by counsel, the Court will not accept *pro se* filings in this matter. *See generally Abdullah v. United States*, 240 F.3d 683, 686 (8th Cir. 2001) (explaining that "[a] district court has no obligation to entertain *pro se* motions filed by a represented party"). For this reason, the Court denies Mr. Pitts's motion to compel and instructs him to file any additional motions through his attorney John C. Bartelt (Dkt. No. 60).

## **III. Court's Motion For Status Update**

In the light of the claims made in Mr. Pitts's improperly filed motion to compel, the Court, on its own motion, orders the parties to provide it with a status update, jointly or separately, related to the implementation of the settlement agreement within 30 days of the entry of this Order.

## **IV. Conclusion**

For the foregoing reasons, the Court dismisses this case with prejudice, denies Mr. Pitts's motion to compel, and orders the parties to provide the Court with a status update by January 23, 2023.

It is so ordered this 22nd day of December, 2022.



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Kristine G. Baker  
United States District Judge